

(Pub. L. 101-194, title IX, §901, Nov. 30, 1989, 103 Stat. 1778; Pub. L. 101-280, §8, May 4, 1990, 104 Stat. 162; Pub. L. 102-90, title III, §314(c), Aug. 14, 1991, 105 Stat. 470.)

REFERENCES IN TEXT

Section 102(a)(2)(A) of the Ethics in Government Act of 1978, referred to in subsec. (a)(2)(B), is section 102(a)(2)(A) of title I of Pub. L. 95-521, as amended. Section 102 was classified to section 702 of this title prior to the general amendment of title I of Pub. L. 95-521 by Pub. L. 101-194, title II, §202, Nov. 30, 1989, 103 Stat. 1724. Title I of Pub. L. 95-521, as so amended, is set out in the Appendix to Title 5, Government Organization and Employees.

Section 107(2) of title I of the Ethics in Government Act of 1978 (Public Law 95-521), referred to in subsec. (a)(3)(B), was classified to section 707(2) of this title prior to the general amendment of title I of Pub. L. 95-521 by Pub. L. 101-194, title II, §202, Nov. 30, 1989, 103 Stat. 1724. Title I of Pub. L. 95-521, as so amended, is set out in the Appendix to Title 5, and the definition of “relative” is contained in section 109(16) of Pub. L. 95-521.

AMENDMENTS

1991—Subsec. (a)(1). Pub. L. 102-90, §314(c)(1)–(3), redesignated par. (2) as (1), substituted “in any calendar year aggregating more than the minimal value as established by section 7342(a)(5) of title 5 or \$250, whichever is greater” for “having an aggregate value exceeding \$300 during a calendar year”, and struck out former par. (1) which read as follows: “No Member, officer, or employee of the Senate, or the spouse or dependent thereof, shall knowingly accept, directly or indirectly, any gift or gifts having an aggregate value exceeding \$100 during a calendar year directly or indirectly from any person, organization, or corporation having a direct interest in legislation before the Congress or from any foreign national unless, in an unusual case, a waiver is granted by the Select Committee on Ethics.”

Subsec. (a)(2). Pub. L. 102-90, §314(c)(2), (4), redesignated par. (5) as (2) and, in subpar. (B), substituted “\$100 or less, as adjusted under section 102(a)(2)(A) of the Ethics in Government Act of 1978” for “less than \$75”. Former par. (2) redesignated (1).

Subsec. (a)(3). Pub. L. 102-90, §314(c)(5), redesignated subpars. (B) and (C) as (A) and (B), respectively, and struck out former subpar. (A) which read as follows: “the term ‘foreign national’ means a person acting directly or indirectly on behalf of a foreign corporation, partnership, or business enterprise, a foreign trade, cultural, educational, or other association, a foreign political party, or a foreign government;”.

Pub. L. 102-90, §314(c)(1), (2), redesignated par. (6) as (3) and struck out former par. (3) which read as follows: “In determining the aggregate value of any gift or gifts accepted by an individual during a calendar year from any person, organization, or corporation, there may be deducted the aggregate value of gifts (other than gifts described in paragraph (5)) given by such individual to such person, organization, or corporation during that calendar year.”

Subsec. (a)(4). Pub. L. 102-90, §314(c)(1), (2), redesignated par. (7) as (4) and struck out former par. (4) which read as follows: “For purposes of this subsection, only the following shall be deemed to have a direct interest in legislation before the Congress:

“(A) a person, organization, or corporation registered under the Federal Regulation of Lobbying Act of 1946, or any successor statute, a person who is an officer or director of such a registered lobbyist, or a person who has been employed or retained by such a registered lobbyist for the purpose of influencing legislation before the Congress; or

“(B) a corporation, labor organization, or other organization which maintains a separate segregated fund for political purposes (within the meaning of section 441b of this title), a person who is an officer

or director of such corporation, labor organization, or other organization, or a person who has been employed or retained by such corporation, labor organization, or other organization for the purpose of influencing legislation before the Congress.”

Subsec. (a)(5) to (8). Pub. L. 102-90, §314(c)(2), redesignated pars. (5) to (8) as (2) to (5), respectively.

1990—Subsec. (a)(5)(D). Pub. L. 101-280, §8(1)(A), struck out subpar. (D) which read as follows: “from an individual who is a foreign national if that individual is not acting; directly or indirectly, on behalf of a foreign corporation, partnership or business enterprise, a foreign trade, cultural, educational or other association, a foreign political party or a foreign government.”

Subsec. (a)(6)(A) to (C). Pub. L. 101-280, §8(1)(B), added subpar. (A) and redesignated former subpars. (A) and (B) as (B) and (C), respectively.

Subsec. (b). Pub. L. 101-280, §8(2), substituted “or child of such Member” for “of a Member” and struck out “(and 2 nights)” after “of 3 days” and “(and 6 nights)” after “or 7 days”.

EFFECTIVE DATE OF 1991 AMENDMENT

Section 314(g) of Pub. L. 102-90, as amended by Pub. L. 102-378, §4(c), Oct. 2, 1992, 106 Stat. 1358, provided that:

“(1) The amendments made by subsections (b) through (f) [amending this section, section 505 of the Ethics in Government Act of 1978, Pub. L. 95-521, set out in the Appendix to Title 5, Government Organization and Employees, and section 7701 of Title 26, Internal Revenue Code] shall take effect on January 1, 1992.

“(2) The amendment made by subsection (a) [amending section 102 of the Ethics in Government Act of 1978, Pub. L. 95-521, set out in the Appendix to Title 5] shall take effect on January 1, 1993.”

[Amendment by Pub. L. 102-378 to section 314(g) of Pub. L. 102-90, set out above, effective Dec. 31, 1991, see section 9(b)(1) of Pub. L. 102-378, set out as an Effective Date of 1992 Amendment note under section 6303 of Title 5.]

§ 31-3. Guidelines relating to restrictions on registered lobbyist participation in travel and disclosure

(1) In general

Except as provided in paragraph (4) and not later than 60 days after September 14, 2007, and at annual intervals thereafter, the Select Committee on Ethics shall develop and revise, as necessary—

(A) guidelines, for purposes of implementing the amendments made by subsection (a),¹ on evaluating a trip proposal and judging the reasonableness of an expense or expenditure, including guidelines related to evaluating—

(i) the stated mission of the organization sponsoring the trip;

(ii) the organization’s prior history of sponsoring congressional trips, if any;

(iii) other educational activities performed by the organization besides sponsoring congressional trips;

(iv) whether any trips previously sponsored by the organization led to an investigation by the Select Committee on Ethics;

(v) whether the length of the trip and the itinerary is consistent with the official purpose of the trip;

(vi) whether there is an adequate connection between a trip and official duties;

(vii) the reasonableness of an amount spent by a sponsor of the trip;

¹ See References in Text note below.

(viii) whether there is a direct and immediate relationship between a source of funding and an event; and

(ix) any other factor deemed relevant by the Select Committee on Ethics; and

(B) regulations describing the information it will require individuals subject to the requirements of the amendments made by subsection (a)¹ to submit to the committee in order to obtain the prior approval of the committee for travel under paragraph 2 of rule XXXV of the Standing Rules of the Senate, including any required certifications.

(2) Consideration

In developing and revising guidelines under paragraph (1)(A), the committee shall take into account the maximum per diem rates for official Federal Government travel published annually by the General Services Administration, the Department of State, and the Department of Defense.

(3) Unreasonable expense

For purposes of this section, travel on a flight described in paragraph 1(c)(1)(C)(ii) of rule XXXV of the Standing Rules of the Senate shall not be considered to be a reasonable expense.

(4) Extension

The deadline for the initial guidelines required by paragraph (1) may be extended for 30 days by the Committee on Rules and Administration.

(Pub. L. 110–81, title V, § 544(b), Sept. 14, 2007, 121 Stat. 769.)

REFERENCES IN TEXT

The amendments made by subsection (a), referred to in par. (1), mean the amendments made by subsec. (a) of section 544 of Pub. L. 110–81 to paragraph 2 of rule XXXV of the Standing Rules of the Senate, which are not classified to the Code.

EFFECTIVE DATE

Pub. L. 110–81, title V, § 544(f), Sept. 14, 2007, 121 Stat. 771, provided that: “The amendments made by subsections (a) [121 Stat. 767] and (b) [enacting this section] shall take effect 60 days after the date of enactment of this Act [Sept. 14, 2007] or the date the Select Committee on Ethics issues new guidelines as required by subsection (b), whichever is later. Subsection (c) [121 Stat. 770] shall take effect on the date of enactment of this Act.”

SEPARATELY REGULATED EXPENSES

Pub. L. 110–81, title V, § 544(e), Sept. 14, 2007, 121 Stat. 771, provided that: “Nothing in this section [enacting this section and provisions set out as a note under this section] or section 541 [121 Stat. 766] is meant to alter treatment under law or Senate rules of expenses that are governed by the Foreign Gifts and Decorations Act [of 1966, 22 U.S.C. 2621 et seq.] or the Mutual Educational and Cultural Exchange Act [of 1961, 22 U.S.C. 2451 et seq.]”

§ 31a. Repealed. Mar. 2, 1955, ch. 9, § 4(b), 69 Stat. 11, eff. Mar. 1, 1955

Section, acts Aug. 2, 1946, ch. 753, title VI, § 601(b), 60 Stat. 850; Oct. 20, 1951, ch. 521, title VI, § 619(d), 65 Stat. 570, related to expense allowance for Senators, Representatives, Delegates, and Resident Commissioner.

§ 31a–1. Expense allowance of Majority and Minority Leaders of Senate; expense allowance of Majority and Minority Whips; methods of payment; taxability

Effective fiscal year 1978 and each fiscal year thereafter, the expense allowances of the Majority and Minority Leaders of the Senate are increased to \$40,000 each fiscal year for each leader: *Provided*, That, effective with the fiscal year 1983 and each fiscal year thereafter, the expense allowance of the Majority and Minority Whips of the Senate shall not exceed \$10,000 each fiscal year for each Whip: *Provided further*, That, during the period beginning on January 3, 1977, and ending September 30, 1977, and during each fiscal year thereafter, the Vice President, the Majority Leader, the Minority Leader, the Majority Whip, and the Minority Whip may receive the expense allowance (a) as reimbursement for actual expenses incurred upon certification and documentation of such expenses by the Vice President, the respective Leader or the respective Whip, or (b) in equal monthly payments: *Provided further*, That effective January 3, 1977, the amounts paid to the Vice President, the Majority or Minority Leader of the Senate, or the Majority or Minority Whip of the Senate as reimbursement of actual expenses incurred upon certification and documentation pursuant to the second proviso of this section shall not be reported as income, and the expenses so reimbursed shall not be allowed as a deduction, under title 26.

(Pub. L. 95–26, title I, May 4, 1977, 91 Stat. 79; Pub. L. 95–94, title I, § 109, Aug. 5, 1977, 91 Stat. 661; Pub. L. 95–355, title I, Sept. 8, 1978, 92 Stat. 532; Pub. L. 98–63, title I, § 101, July 30, 1983, 97 Stat. 333; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 108–7, div. H, title I, § 1(b)(1), (c), Feb. 20, 2003, 117 Stat. 349; Pub. L. 108–447, div. G, title I, § 13(a)(1), Dec. 8, 2004, 118 Stat. 3171.)

CODIFICATION

Section is based on the three provisos in paragraph under heading “Expense Allowances of the Vice President, Majority and Minority Leaders and Majority and Minority Whips” in the appropriation for the Senate in the Supplemental Appropriations Act, 1977 (Pub. L. 95–26), and section 109 of the Congressional Operations Appropriation Act, 1978, which is title I of the Legislative Branch Appropriation Act, 1978 (Pub. L. 95–94), and subsequent acts cited in the credits to this section.

AMENDMENTS

2004—Pub. L. 108–447 substituted “\$40,000” for “\$20,000”.

2003—Pub. L. 108–7 substituted “\$20,000” for “\$10,000” and “not exceed \$10,000” for “not exceed \$5,000”.

1986—Pub. L. 99–514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”, which for purposes of codification was translated as “title 26” thus requiring no change in text.

1983—Pub. L. 98–63 substituted provisions increasing allowances for each Whip to \$5,000 each fiscal year, effective fiscal year 1983 and each fiscal year thereafter, for provisions authorizing not to exceed \$2,500 each fiscal year for each Whip, effective Apr. 1, 1977.

1978—Pub. L. 95–355 substituted provisions increasing allowances for each leader to \$10,000 each fiscal year, effective fiscal year 1978 and each fiscal year thereafter, for provisions authorizing not to exceed \$5,000 each fiscal year for each leader, effective with fiscal year 1977 and each fiscal year thereafter.